

REMARKS

Claims 1-30 and 32-39 are pending. Claims 1-10 and 15-30 are withdrawn. Claims 11-14 and 32-37 are rejected. Claims 35, 36 and 37 are objected to. Claim 31 is canceled by this communication. Claims 38 and 39 are newly added.

Amendment to the Specification

The specification is amended to be consistent with the claimed subject matter. No new matter is added.

Objection to the Claims

The Examiner has objected the claims 35, 36 and 37 under 37 CFR 1.75(c) as being of improper dependent form. Claims 35, 36 and 37 are amended. Applicants believe the objection is moot in light the of the amendment to the claims.

Claim Rejection – 35 USC § 112

Claim 11-14 and 32-37 has been rejected under 35 U.S.C. 112, second paragraph as being indefinite. Applicants believe the rejections are moot in light of the amendment to the claims.

Claim Rejection – 35 USC § 102

Claims 35-37 have been rejected under 35 U.S.C. 102(e) as containing subject matter that is anticipated by Horres (US 2005/0129731). Applicants believe the rejection is moot in light of the amendment to the claims.

Claim Rejection – 35 USC § 103

Claims 11-14 and 31-34 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Horres (US 2005/0129731).

Claim 11 defines an implantable device comprising a coating. The coating comprises a polymeric composition of a polysulfone (A) and an elastomeric polymer (B). The elastomeric polymer (B) is one of polyisobutylene, polyperfluoroalkylene, polyhexafluoropentene, polysiloxane, natural rubber, nylon, polymers and copolymers of acrylates or methacrylates and a combination thereof.

Horres describes medical products with at least one biocompatible biostable polysulfone layer. The medical product can be in the form of stents (abstract). The polysulfone coating layer can be mixed with hydrophilic polymer in a suitable amount. Drugs are included in the polymer coating (claim 12). However, as the Examiner correctly notes, Horres does not teach or suggest a coating having a polysulfone (A) and an elastomeric polymer (B) as defined by claim 11. An elastomeric polymer has a rubber like molecular structure which can provide the coating with fracture toughness during use of a device such as stent, elastic behavior at physiological conditions, and higher degree of adhesion to the device. The combination of properties imparted by an elastomeric polymer or an elastomeric polymer block and properties imparted by polysulfone polymer or block would impart to a coating desirable mechanical, chemical and biological properties. There is no teaching in Horres for one of ordinary skilled in the art to make and use a polymer blend or a polymer conjugate comprising a polysulfone and an elastomeric polymer as defined in the claims. Accordingly, claim 11 is patentably allowable over Horres under 35 U.S.C. 103(a). Claims 12, 13, 14, 31, 32, 33 and 34 depend from claim 11 and are patentably allowable over Horres under 35 U.S.C. 103(a) for at least the same reason.

CONCLUSION

Withdrawal of the rejections and allowance of the claims is respectfully requested. Should the Examiner have any questions or concerns, the Examiner is invited to call the undersigned attorney/agent of record.

Date: February 4, 2008

Respectfully submitted,

Squire, Sanders & Dempsey L.L.P.
One Maritime Plaza, Suite 300
San Francisco, CA 94111
Telephone (415) 393-0313
Facsimile (415) 393-9887

/ZLI/
Zhaoyang Li, Ph.D.
Attorney for Applicants
Reg. No. 46,872